

Bluntisham – Proposed Local Plan Update

BPC submission was made and a copy of everyone's letter was sent to our MP, the Planning Department, the Head of HDC and the Secretary of State on 22.01.2018.

Responses were received from the Head of HDC, Jo Lancaster to say thanks and that our objections would be included in their submission to the Inspectorate at the end of March but that they would make no changes to the plan.

Our MP steps in and writes to the Leader of the Council – Graham Bull with his concerns and this letter was copied to all residents who had signed up to the BPC submission, similar correspondence was sent to the CRAG by the MP. A response from Graham Bull to the MP was received and shared. This defended their stance and that the Proposed Plan was approved by full council in December. He defends the decision in his letter and states again that it will go to the Inspector as planned with our objections.

Parish Council Meeting – 07.02.2018. A member of the public advised that a new notice had gone up at the Station Road site. On investigation on 08.02.2018 it was discovered that HDC planning department had declared that this application is now defined as a “departure application” which is defined as “a planning application that is not in line with, or departs from the development plan in force in the area where the application is being made”

It used to be the case that the LPA had to notify the secretary of state if that intended to approve a departure application. This was changed in the 2009 Town & Country Planning (consultation) (England) Direction 2009. The LPA no longer need to make the S of S aware of any such applications.

BPC contacted HDC Planning department on 08.02.2018 and they (LPA) confirmed that this was the case and that the Station Road application should have been categorised as a departure application from the outset and they were correcting their error some 9 months after the application was rec'd and the consultation period closed.

We have today discovered by checking their website that the same action was taken at the same time with regards to the Colne Road proposed development and that the notice was changed and an advert placed in the newspaper – all part of the new 2009 rules. At no time were the PC or anyone who had registered an objection and presumably those in support of the applications made aware.

BPC resolved to ask some questions of the LPA and today they have responded to our questions which can be summarised as follows:

Why was the application for Station Road and ergo Colne Road advertised as a “departure”

As a point of Clarification the email above refers to reasoning behind why the application is being advertised as a 'departure' from the Development Plan. The emerging Local Plan is not part of the Development Plan but Para 216 of the NPPF, as Laura set out above, is relevant for decision making, alongside the Development Plan. For the avoidance of doubt the adopted Huntingdonshire Development Plan is

The Core Strategy (2009)

Saved Policies from the Local Plan 1995 and the Local Plan Alteration 2002

The Huntingdon West Area Action Plan

Made Neighbourhood Plans for St. Neots and Godmanchester.

The Core Strategy, Huntingdon West Area Action Plan, Local Plan 1195 and Local Plan Alteration 2002 will be replaced by the Local Plan to 2036 after it is adopted. As the Local Plan is not yet adopted, and therefore not part of the Development Plan that application is considered to be a 'Departure from the Development Plan', hence the need to advertise.

In the current development plan Bluntisham is small settlement so in order to look at these applications they needed to be categorised as “departures”. Paragraph 216 of the NPPF states that weight can be applied from an

emerging local plan and as both Station Road and Colne Road are listed as suitable sites in the new Proposed Plan 2036 under the new proposed LSC status of Bluntisham then in effect they can depart from the current plan and apply the new un-adopted proposed plan. I quote "As the local plan is not yet adopted, and therefore not part of the development plan that application is considered to be a "departure from the development plan"

We asked how much weight they would apply despite them knowing that we object in the strongest terms to the change in planning status to the application at Station Road.

Their reply is very wordy but in essence they claim that elements of the current Development plan are out of date, but that the proposed plan is consistent with the NPPF and that the policies in the new plan should be afforded significant weight. This means that the LPA can make recommendations based on the new proposed plan but ultimately it is HDC Development Management Committee that will make the final decision. Our two district councillors are members of the DMC but are not permitted to vote on any applications in Bluntisham for conflict of interest reasons. There are 14 other members of the DMC other than Robin Carter and Mike Francis.

We asked if the LPA are the authors of the plan, for which we didn't receive a straight answer, but it was stated that there has been "member engagement" throughout the process, we will ask them to define who these members were as it is not clear if this is some or all members of council.

We asked if they, as the authors are best placed or authorised to make decisions on its soundness and legality and no direct answer was provided other than to say that the decision maker (the DMC) are able to determine the weight to be afforded in consideration of planning applications, in accordance with the NPPF.

We asked directly which version of the plan would be considered when looking at the Colne Road site and how much weight would be applied. They replied

The application will be considered against the Development Plan, the emerging Local Plan, namely the Huntingdonshire Local plan 2036: Proposed Submission 2017 and any other material planning considerations raised through the course of the planning application.

We asked why the applications (that are now in the Proposed Local plan) have not been decided upon despite them being submitted in May 2017, their answer was:

I can confirm that these applications have not been delayed intentionally. As you'll be aware the cases were originally assigned to a different case officer who unfortunately went on long term sick leave. These cases were reassigned and the new officers need time to familiarise ourselves with the cases and ensure that the application to date has been procedurally correct, hence to need to advertise the applications as departures. We do appreciate the sensitivities locally and wish to ensure that every aspect of these cases is very carefully considered.

We asked if they would hold any decision on both of these sites until after our objections to the LP proposal had been before the inspectorate, their response was

It is not within our gift to make any commitment to hold applications in abeyance without consent from the applicant. For any planning applications that go beyond the stated timescales there has to be agreement from the applicant as they do have the right to appeal non-determination of planning applications direct to the Planning Inspectorate to have them consider this application. At this point in time I do not believe the applications will be going to DMC imminently given the need to familiarise ourselves with the cases but conversely it cannot be agreed that the applications will be held in abeyance until 2019, the anticipated timescale for adoption of the Local Plan. Please also see link below for more information.

We then asked them who made this decision and that ultimately they carry out their roles taking in to account the various and infinite planning policies and frameworks and submit a recommendation to the decision maker - The DMC.

